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EXAMINER

LEFLORE, LAUREL E

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 09/25/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

9/14

# Office Action Summary

Application No.

09/914,463

Applicant(s)

SIVERSSON, PER

Examiner

Laurel E LeFlore

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 4-10 and 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: .

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Element 39 in Figures 1 and 2. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
3. The disclosure is objected to because of the following informalities: On page 2 line 4, "dialling" should be "dialing". On page 15 line 4, "Figures 1-4" should be "Figures 5 and 6" and on line 14 "base 23" should be "base 22". On page 18 lines 4-5 and again on line 6, "display unit 11" should be "display unit 12". Appropriate correction is required.

### ***Claim Objections***

4. Claims 4-10 and 15-17 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

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5. Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim discloses limitations that are already stated in claim 12.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 2, 3 and 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by van Ketwich 6,072,475.

In regard to claim 1, van Ketwisch discloses a handheld or pocket-sized electronic apparatus, such as a mobile telephone (see column 4, lines 22-25 and figures 12a and 12b), comprising a display unit and a touch surface that is position-sensitive in a first and a second direction for control of the electronic apparatus (see column 5, lines 36-39), characterized in that the display unit has a display area taking up most of the front side of the apparatus and in that the touch surface is arranged at an edge side of the apparatus (see column 9, lines 23-26 and figure 8a) and is curved in the first direction to convex shape (see column 3, lines 65-67 to column 4, line 1 and figure 2). Here it is understood that having the touch screen "placed adjacent to the LCD" indicates that "the touch surface is arranged at an edge side of the apparatus." It is also understood from figure 8a that the display takes up most of the front side of the apparatus.

In regard to claim 2, van Ketwisch discloses the above described apparatus, wherein the touch surface is longer in the second direction than in the first direction (see figure 2).

In regard to claim 3, van Ketwisch discloses the above described apparatus, wherein the touch surface is single curved about a linear geometric axis (see column 3, lines 60-61) parallel with the second direction (see figure 2). Here it is inherently understood that a "U-shape" is single curved about a linear geometric axis.

In regard to claim 11, van Ketwisch discloses the above described apparatus, wherein the touch surface is formed by an outer side of a resilient outer foil (see

column 6, line 12) having two edges located parallel to said linear geometric axis (see figure 8a) and at which the resilient outer foil is clamped so that, as a direct result of its striving to assume a flat form, it is tensioned to a convexly single-curved, resilient surface (see column 7, lines 6-7). Here it is understood that the elastic nature of the bent conventional touch screen would result in the screen striving to assume a flat form, thereby being tensioned to a convexly single-curved, resilient surface.

In regard to claim 12-14, van Ketwich discloses the above described apparatus comprising a touch surface over which a user is to pass a finger, and means for sensing the position of the finger in said two directions on the touch surface (see column 4, lines 27-30).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel E LeFlore whose telephone number is (703) 305-8627. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4938. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
JOSEPH MANCUSO  
PRIMARY EXAMINER

LEL